UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,316	12/16/2003	Raymond R. Hornback JR.	IBM-007	5949

51835   7590   05/26/2010
IBM LOTUS & RATIONAL SW
c/o GUERIN & RODRIGUEZ
5 MOUNT ROYAL AVENUE
MOUNT ROYAL OFFICE PARK
MARLBOROUGH, MA 01752

EXAMINER
LIU, LIN

ART UNIT	PAPER NUMBER
2445	

MAIL DATE	DELIVERY MODE
05/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/737,316	HORNBACK ET AL.
	Examiner	**Art Unit**	
	LIN LIU	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 May 2010*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9 and 15-17* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-9 and 15-17* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This office action is responsive to communications filed on 05/19/2010

Claims 1-9 and 15-17 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

05/19/2010 has been entered.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1-9 and 15-17 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. Applicant has amended the claim to

include the limitation "derived from the output of the shared application", which is not

explicitly found in the original specification, and Applicant has not pointed out where in

the specification, such support can be found.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-9 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

7.   Claims 1 and 15 recite the limitation "the output". There is insufficient antecedent

basis for this limitation in the claim. For the purpose of examination, the examiner treats

it as "an output".

8.   Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as failing to

comply with the written description requirement and rendering the claim indefinite.

Claim elements, "means for" are means (or step) plus function limitations that invoke 35

U.S.C. 112, sixth paragraph. However, the written description fails to disclose the

corresponding structure, material, or acts for the claimed function.

        Applicant is required to:

        (a) Amend the claim so that the claim limitation will no longer be a means (or
        step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

        (b) Amend the written description of the specification such that it expressly
        recites what structure, material, or acts perform the claimed function without
        introducing any new matter (35 U.S.C. 132(a)).

9.   If applicant is of the opinion that the written description of the specification

already implicitly or inherently discloses the corresponding structure, material, or acts so

that one of ordinary skill in the art would recognize what structure, material, or acts

perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) aid MPEP 2181 and 608.01(o).

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1-5, 9 and 15-16 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Chang et al. (Patent no.: US 6,556,724 B1).**

With respect to **claim 1,** Chang teaches a method for configuring and

dynamically adapting an application sharing system comprising a plurality of computers

in communication over a network, one of the computers having a plurality of system

components and sharing an application with at least one other computer over the

network, one of the system components adapted to provide feedback to the shared

application, the method comprising:

determining a preference for the shared application (Chang: fig. 4 & 5, col. 9,

lines 45-50, noted that the participating clients calculate the necessary transform data

for the shared image);

monitoring (Chang: fig. 4, col. 9, lines 50-53, noted the participating client

requests from the image server 220, the calculated coefficient coordinates necessary to

render the image) by the one of the computers (Chang: fig. 4, col. 9, lines 50-53, noted

the participating client) a feedback generated by the one of the system components

(Chang: fig. 4, col. 9, lines 50-53, noted the image server 220) **and derived from an**

output of the shared application (Chang: fig. 4, col. 9, lines 50-53, calculated

coefficient coordinates), said feedback indicating the performance of the component

relative to the determined preference (Chang: fig. 5, col. 9, lines 50-60, noted that the

image server 220 transmits the requested transform data at the designated coefficient

coordinates to the participating client); and

configuring the one of the system components in response to the determined

preference and the monitored feedback, said configuring comprising adjusting an

algorithm used to implement the system component, the configuring of the system

component causing an adjustment in the performance of the shared application (Chang:

fig. 8, col. 11, lines 20-38, noted that the host computer receives the resolution at which

each participating client will render images for the collaboration session and determines

the highest resolution for the clients).

With respect to **claim 2,** Chang teaches the method of claim 1 wherein the

system component comprises one of a compression algorithm, a change detection

algorithm, a screen capture device and a data transport type (Chang: col. 9, lines 45-61, note the image resolution compression).

With respect to **claim 3,** Chang teaches the method of claim 1 wherein the preference is a user preference (Chang: col. 9, lines 45-61).

With respect to **claim 4,** Chang teaches the method of claim 3 wherein the user preference defines at least one of an image quality and a latency (Chang: col. 9, lines 45-61, note the image resolution compression).

With respect to **claim 5,** Chang teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Chang: col. 9, lines 45-61).

With respect to **claim 9,** Chang teaches the method of claim 1 further comprising selecting the preference for the shared application (Chang: col. 13, lines 10-20).

With respect to **claims 15-16** the limitations of these claims are substantially the same as those in claims 1-2. Therefore the same rationale for rejecting claims 1-2 is used to reject claims 15-16. By this rationale **claims 15-16** are rejected.

12.   Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chang et al. (Patent no.: US 6,556,724 B1)** in view of **Boston et al. (Publication no.: US 2004/0101272 A1).**

With respect to **claim 6**, Chang teaches all of the claimed limitations, except that he does not explicitly teach a method of allowing an administrator to set the administrator preference.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston in the Chang's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 7,** Chang teaches all of the claimed limitations, except that he does not explicitly teach a maximum data rate.

In the same field of endeavor, Boston teaches a data rate that each channel can support (Boston, page 9, paragraph 0079).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the use of the data rate transmission as taught by Boston in Chang's invention as the condition in limiting the selection of the user's preference in selecting the images. The motivation to combine this feature is to prevent the over use of bandwidth by all the users simultaneously.

With respect to **claim 8,** Chang teaches a method of limiting the selection of a user preference according to an image compression type (Chang: Col. 9, lines 45-61). However, they do not explicitly teach a method of allowing an administrator to set the administrative preference in limiting the selection.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston to limit the selection of user preference in the Chang's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 17** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 17. By this rationale **claim 17** is rejected.

Response to Arguments

13.   Applicant's arguments filed on 05/19/2010 have been fully considered but they are not persuasive.

14.   On page 6 of Applicant's remark, Applicant argues that "The Applicants respectfully assert that transmitting requested data to a client is not monitoring by the client. Further, Office Action of at page 6, in "Response to Arguments", points out that "Chang specifically discloses that the host computer receives the resolution at which each participating client will render images for the collaboration session and determines the highest resolution for the clients. The adjustment for the resolution of the image that

is rendered to the participating clients is made at the host server." Thus - the "clients" of

Chang are not monitoring the shared application of Chang."

In response to Applicant's argument, the examiner respectfully disagrees. Chang

in figure 4, and col. 9, lines 45-60, specifically discloses that the participating client (one

of the computers) requests from the image server (one of the system components) the

calculated coefficient coordinates (feedback derived from an output of the shared

application) to render the image at the proper resolution on its display. Thereby, the

image server 220 transmits the requested transform data to the participating client.

Conclusion

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LIN LIU whose telephone number is (571)270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445